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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,045	12/13/1999	KEVIN A. NESMITH	5226-00600	1941
7590	12/28/2005		EXAMINER	
DAN R CHRISTEN CONLEY ROSE & TAYON PC P O BOX 398 AUSTIN, TX 787670398			COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/460,045	NESMITH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ella Colbert	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 03 October 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 81-91,93-103,105-116,118-128 and 130-152 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 81-91,93-103,105-116,118-128 and 130-152 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04/17/04.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

### **DETAILED ACTION**

1. Claims 81-91, 93-103, 105-116, 118-128, 130-140, and 142-152 are pending. Claims 81, 82, 90, 95, 105, 106, 115, 120, 130, 131, 139, and 144 have been amended in this communication filed 10/03/05 entered as RCE.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/03/05 has been entered.
3. The 35 USC 112, second paragraph rejection of claim 90 has been overcome by Applicants' amendment to claim 90 and is hereby withdrawn.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 81, 95, 105, 120, 130, and 144 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,793,301) Patterson, Jr. et al, hereafter Patterson, Jr.

With respect to claim 81, Patterson, Jr. teaches, A method for allowing relatively rapid entry of securities orders into a computer system, the method comprising: receiving input from a user, the input comprising at least one generic security order preference for the user for securities for which a security-specific order preference has not been defined (col. 22, line 52-col. 23, line 6); and storing the at least one generic security order preference in a memory (col. 23, lines 14-24). Patterson, Jr. did not expressly disclose, a storage in a memory. However, it is well known that every computer system has a memory for storage. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a memory for storage and to incorporate in Patterson, Jr. because such an incorporation would allow Patterson, Jr. to have a space within the computer where information is stored while being actively worked on.

Patterson, Jr. further teaches, allowing the user to specify at least one security-specific order preference for the user for at least one security (col. 9, line 52-col. 10, line 27); allowing the user to specify at least one security-specific order preference for the user of at least one security (col. 10, line 61 –col. 11, line 35); processing a plurality of orders placed by the user, wherein processing each of the plurality of orders comprises: presenting an order placement window to the user (col. 12, lines 11-39); prompting the user to enter an identifier for the security to be traded (col. 12, lines 26-33); automatically presenting in the order placement window at least one order preference previously defined by the user, wherein if no security-specific order preferences have been previously defined by the user for the security to be traded, the order preferences

presented comprise the at least one generic security order preference (col. 12, line 61-col. 13, line 5); providing one or more user interface elements in the order placement window wherein the one or more interface elements allow the user to adjust one or more values presented in the order placement window (col. 13, lines 21-62); and submitting the order for execution, wherein the order comprises: for values that are adjusted by the user, using the adjusted values for executing the order (col. 15, lines 2-9); for values that are not adjusted by the user and for which security-specific order preferences have been specified for the security to be traded, automatically using the security-specific order preferences as default valued for executing the order (col. 16, lines 41-67); and for values that are not adjusted by the user and for which security-specific order preferences have not been specified for the security to be traded, automatically using the at least one stored generic security order preference as default values for executing the order (col. 13, lines 21-53 and col. 16, lines 60-67).

As per claim 105, Patterson, Jr. teaches, at least one computer system coupled to a network (col. 8, lines 29-53).

This independent claim is rejected for the similar rationale as given above for claim 81.

As per claim 130, this independent claim is rejected for the similar rationale as given above for claims 81 and 105.

As per claims 95, 120, and 144, these dependent claims are rejected for the similar rationale as given above for claim 81.

6. Claims 82-85, 96, 97, 106-109, 121, 122, 131-134,145, and 146, are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,793,301) Patterson, Jr. et al, hereafter Patterson, Jr. in view of Keiser et al, hereafter Keiser.

With respect to claims 82, 106, and 131, Patterson, Jr. failed to teach, wherein receiving input from a user comprising at least one generic security order preference comprises presenting a generic security order preferences window to the user, wherein the generic security order preferences window comprises one or more user interface elements that allow the user to specify at least one generic security order preference for securities for which a security-specific order preference has not been defined. Keiser teaches, The method of claim 81, wherein receiving input from a user comprising at least one generic security order preference comprises presenting a generic security order preferences window to the user, wherein the generic security order preferences window comprises one or more user interface elements that allow the user to specify at least one generic security order preference for securities for which a security-specific order preference has not been defined (col. 2, lines 60-67 and col. 3, lines 1-7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive input from a user comprising at least one generic security order preference comprises presenting a generic security order preferences window to the user, wherein the generic security order preferences window comprises one or more user interface elements that allow the user to specify at least one generic security order preference for securities for which a security-specific order preference has not been defined and to incorporate in Patterson, Jr. because such an incorporation would allow

Patterson, Jr. to have a lookup search function provided in another area of the screen for using a standard graphical user interface (GUI) that features a drop-down list box, a text search box, or a slider bar list for specifying a generic security order preference.

With respect to claims 83, 107, and 132, Patterson, Jr. teaches, The method of claim 81, wherein at least one generic security order preference comprises a number of shares to be used as a default if no security-specific default number of shares is defined for a security (col. 13, lines 21-62).

With respect to claims 84, 108, and 133, Patterson, Jr. failed to teach, wherein at least one generic security order preference comprises a dollar amount of a transaction to be used as a default if no security-specific default dollar amount is defined for a security. Keiser teaches, The method of claim 81, wherein at least one generic security order preference comprises a dollar amount of a transaction to be used as a default if no security-specific default dollar amount is defined for a security (col. 5, lines 31-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have at least one generic security order preference comprises a dollar amount of a transaction to be used as a default if no security-specific default dollar amount is defined for a security and to incorporate in Patterson, Jr. because such an incorporation would allow Patterson, Jr. to have a set price movement threshold for a positive or a negative dollar amount (a default dollar amount of a transaction).

With respect to claims 85, 109, and 134, Patterson, Jr. teaches, wherein at least one generic security order preference comprises a limit price to be used as a default if no security-specific default limit price is defined for a security (col. 22, lines 52-60).

With respect to claim 96, 121, and 145, these dependent claims are rejected for the similar rationale as given above for claim 84.

With respect to claim 97, 122, and 146, these dependent claims are rejected for the similar rationale as given above for claim 84.

7. Claims 86-91, 93-94, 110-116, 118-119, 123-128, 135-140, and 142, 143, and 147-152 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,793,301) Patterson, Jr. et al, hereafter Patterson, Jr., Keiser et al, hereafter Keiser in view of (US 5,297,031) Guttermann et al, hereafter Guttermann.

With respect to claims 86, 110, and 135, Patterson, Jr. and Keiser failed to teach wherein at least one generic security order preference` comprises a trailing stop price to be used as a default if no security-specific default trailing stop price is defined for a security. Guttermann teaches, wherein at least one generic security order preference` comprises a trailing stop price to be used as a default if no security-specific default trailing stop price is defined for a security (col. 4, lines 1-5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have at least one generic security order preference comprises a trailing stop price to be used as a default if no security-specific default trailing stop price is defined for a security and to modify in Patterson, Jr. because such a modification would allow Patterson, Jr. to raise the stop price as the market price advances in an effort to gain as much as possible from a major move while making certain that they probably lose back only a little of the gain.

With respect to claims 87, 111, and 136, Patterson, Jr. and Keiser failed to teach, wherein at least one generic security order preference comprises a stop loss price to be used as a default if no security-specific default stop loss price is defined for a security. Guttermann teaches, wherein at least one generic security order preference comprises a stop loss price to be used as a default if no security-specific default stop loss price is defined for a security (col. 4, lines 1-5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have at least one generic security order preference comprises a stop loss price to be used as a default if no security-specific default stop loss price is defined for a security and to modify in Patterson, Jr. because such a modification would allow Patterson, Jr. to raise the stop price as the market price advances in an effort to gain as much as possible from a major move while making certain that they probably lose back only a little of the gain.

With respect to claims 88, 112, and 137, Patterson, Jr. and Keiser failed to teach, wherein at least one generic security order preference comprises a lot indicator to be used as a default if no security-specific default lot indicator is defined for a security. Guttermann teaches, wherein at least one generic security order preference comprises a lot indicator to be used as a default if no security-specific default lot indicator is defined for a security (col. 4, lines 21-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have at least one generic security order preference comprises a lot indicator to be used as a default if no security-specific default lot indicator is defined for a security and to modify in Patterson, Jr. because such a modification would allow Patterson, Jr. to raise the stop price as the market price

advances in an effort to gain as much as possible from a major move while making certain that they probably lose back only a little of the gain.

With respect to claims 89, 113, and 138, Patterson, Jr. and Keiser failed to teach, wherein at least one generic security order preference comprises a limit price indicator to be used as a default if no security-specific default limit price indicator is defined for a security. Guttermann teaches, wherein at least one generic security order preference comprises a limit price to be used as a default if no security-specific default limit price is defined for a security (col. 3, lines 32-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have at least one generic security order preference comprises a limit price to be used as a default if no security-specific default limit price is defined for a security and to modify in Patterson, Jr. because such modification would allow Patterson, Jr. to have a price limitation that is specified by the customer that can be executed only at the price specified or at a better price level.

With respect to claims 90, 115, and 139, Patterson, Jr. teaches, wherein prompting the user to enter an identifier for the security to be traded comprises prompting the user to enter a security symbol of the security to be traded (col. 10, lines 41-47).

With respect to claims 91, 116, and 140, Patterson failed to teach, receiving input from the user modifying at least one of the default values to a desired value. Keiser teaches, further comprising receiving input from the user modifying at least one of the default values to a desired value (col. 4, line 51 –col. 5, line 32). It would have been

obvious to one having ordinary skill in the art at the time the invention was made to receive input from the user modifying at least one of the default values to a desired value and to modify in Patterson, Jr. because such a modification would allow Patterson, Jr. to have a probability that the default values will achieve the desired value for a security.

With respect to claims 93, 118, and 142, Patterson, Jr. and Keiser failed to teach, further comprising sending an acknowledgement to the user upon execution of the order. Guttermann teaches, sending an acknowledgement to the user upon execution of the order (col. 13, lines 33-43). It would have been obvious to one having ordinary skill in the art at the time the invention was made to send an acknowledgement to the user upon execution of the order and to modify in Keiser because such a modification would allow Keiser to communicate the filled order information to the customer via the electronic order entry system.

With respect to claims 94, 119, and 143, Patterson, Jr. failed to teach, wherein receiving input comprising at least one generic security order preference comprises providing a web page to the user, wherein the web page comprises controls that allow the user to enter at least one generic security order preference. Keiser teaches, wherein receiving input comprising at least one generic security order preference comprises providing a web page to the user, wherein the web page comprises controls that allow the user to enter at least one generic security order preference (col. 2, lines 39-44 and col. 3, lines 8-24). It would have been obvious to one having ordinary skill in the art at the time the invention was made to receive input comprising at least one

generic security order preference comprises providing a web page to the user, wherein the web page comprises controls that allow the user to enter at least one generic security order preference and to modify in Patterson, Jr. because such a modification would allow Patterson, Jr. to provide a fixed quantity of currency in dollars to begin trading on a web page.

With respect to claims 98, 123, and 147, Patterson, Jr. failed to teach, wherein at least one security-specific order preference for at least one security comprises a default dollar amount of at least one security to be traded during a transaction. Keiser teaches, wherein at least one security-specific order preference for at least one security comprises a default dollar amount of at least one security to be traded during a transaction (col. 5, lines 20-40 and col. 12, lines 8-13. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have at least one security-specific order preference for at least one security comprises a default dollar amount of at least one security to be traded during a transaction and to modify in Patterson, Jr. because such a modification would allow Patterson, Jr. to have a number of shares of securities that have a defined price and dollar value.

With respect to claims 99, 124, and 148, these dependent claims are rejected for the similar rationale as given above for claim 85.

With respect to claims 100, 125, and 149 these dependent claims are rejected for the similar rationale as given above for claim 86.

With respect to claims 101, 126, and 150, these dependent claims are rejected for the similar rationale as given above for claim 87.

With respect to claims 102, 127, and 151, these dependent claims are rejected for the similar rationale as give above for claim 88.

With respect to claims 103, 128, and 152, these dependent claims are rejected for the similar rationale as above for claim 89.

With respect to claim 114, Patterson, Jr. failed to teach, wherein the computer network comprises the Internet. Keiser teaches, wherein the computer network comprises the Internet (col. 8, lines 15-24). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the computer network comprise the Internet and to modify in Patterson, Jr. because such a modification would allow Patterson, Jr. to send trading order messages from one computer to another computer.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nieboer et al (US 6,418,419) disclosed buying and selling securities.

Fisher et al (US 6,243,691) disclosed conducting a multi-purpose auction in a variety of formats.

### ***Inquiries***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E. Colbert  
Primary Examiner  
December 17, 2005